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SEP 28 2007

OFFICE OF PETITIONS

In re Application of

Vanderzee, et al. :

Application No. 09/976,194

: DECISION ON PETITION

Filed: October 11, 2001

:

Attorney Docket No. D-2732/WOD

This is a decision on the petition under 37 CFR 1.137(b) filed October 30, 2006. The petition will be treated as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

The above-cited application became abandoned for failure to reply in a timely manner to the Notification of Non-Compliant Appeal Brief mailed July 26, 2006, which set a shortened period for reply of one (1) month from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136. A review of the application file reveals that a response in the form of an appeal brief was filed on October 30, 2006, with a request for an extension of time within the third month. Notwithstanding, a Notice of Abandonment was mailed on October 23, 2006.

It is determined that the response to the Notification of Non-Compliant Appeal Brief in the form of an appeal brief was timely filed and that the Notice of Abandonment was mailed prematurely as the appeal brief was received within the extendable period for reply to the Notification of Non-Compliant Appeal Brief. The holding of abandonment is withdrawn, accordingly.

The petition fee of \$1,500.00 will be refunded to deposit account 20-1434, in due course.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 2800, GAU 2857 for further processing.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions